

# EXHIBIT A

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Attorneys for Plaintiff

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RWC LANDSCAPE SERVICES  
MANAGEMENT INC. d/b/a OUTSIDE  
UNLIMITED LANDSCAPE  
CONTRACTORS

Plaintiff,

vs.

AmGUARD INSURANCE COMPANY

Defendant.

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SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: HUDSON COUNTY  
DOCKET NO.

Civil Action

**COMPLAINT AND JURY DEMAND**

The plaintiff, RWC Landscape Services Management Inc. d/b/a Outside Unlimited Landscape Contractors, by its attorneys, Burke & Potenza, as and for its complaint against AmGurard Insurance Company, states as follows:

**FIRST COUNT**

1. Plaintiff is a corporation and/or business organization with offices at 2 Whitney Road in Concord, New Hampshire.

2. Defendant, AmGuard Insurance Company, is a property and casualty insurer with offices in Wilkes-Barre, Pennsylvania, which is authorized to write property and casualty insurance in the State of New Jersey and does, in fact, write property and casualty insurance in the State of New Jersey.

3. Defendant issued a policy of liability insurance to M Vega LLC, a landscape and snow removal contractor with offices at 56 Franklin Avenue in West Orange, New Jersey.

4. The aforesaid policy of insurance, bearing Policy Number MVBP103645, was in effect from March 10<sup>th</sup>, 2020 to March 10<sup>th</sup>, 2021.

5. Plaintiff entered into a contract with M Vega LLC whereby M Vega LLC was to perform snow removal and ice maintenance services at certain locations in New Jersey, including the Target store in North Bergen, New Jersey during the Winter of 2020-2021.

6. The contract between plaintiff and M Vega LLC obligated M Vega LLC to secure general liability insurance coverage identifying plaintiff as an additional insured on a primary and non-contributory basis.

7. The policy issued by defendant, AmGuard Insurance Company, to M Vega LLC included an endorsement identifying an insured as any organization for whom M Vega LLC was performing operations if M Vega LLC had agreed in writing that such person would be included as an additional insured on the policy.

8. Plaintiff has been named a defendant in a lawsuit instituted in the Superior Court of New Jersey, Hudson County, entitled Urgilez v Target Corporation, et al, Docket Number HUD L 3924-22.

9. The complaint alleges that the plaintiff was injured on December 18<sup>th</sup>, 2020 at the Target premises located at 7101 Tonnelle Avenue in North Bergen, New Jersey as a result of the presence of ice on the surface of the parking lot of said premises. The allegations made against plaintiff herein in the Urgilez v Target lawsuit fall squarely within the defense and indemnification obligation of defendant, AmGuard, to its additional insureds.

10. Should it be determined and adjudicated in the matter of Urgilez v Target Corporation that RWC Landscape Services Management Inc. d/b/a Outside Unlimited Landscape Contractors is liable to plaintiff, Urgilez, then and in that event plaintiff is entitled to indemnification from defendant, AmGuard Insurance Company, on a primary, non-contributory basis.

### **SECOND COUNT**

1. Plaintiff repeats and re-alleges all of the allegations of the First Count as though specifically set forth at length herein.

2. The policy issued by defendant, AmGuard Insurance, to M Vega LLC obligates defendant to defend plaintiff in the matter of Urgilez v Target Store, et al.

WHEREFORE, plaintiff demands judgment as follows:

a. Declaring and adjudging that defendant is obligated to indemnify plaintiff for any judgment entered against plaintiff in the matter of Urgilez v Target Corporation, et al, Docket No: HUD L 3924-22;

b. Declaring and adjudging that defendant is obligated to defend plaintiff in the matter of Urgilez v Target Corporation, et al Docket No: HUD L 3924-22;

c. For counsel fees and cost of suit;

d. For such other relief as the Court deems just and proper.

### **JURY DEMAND**

Plaintiff, RWC Landscape Services Management Inc. d/b/a Outside Unlimited Landscape Contractors, hereby demands a trial by jury on all issues involved herein.

### **CERTIFICATION UNDER RULE 4:6**

We hereby certify that the within pleading was served within the time provided by Rule 4:6.

**TRIAL COUNSEL DESIGNATION**

Pursuant to Rule 4:25-4, John Burke, Esquire, is hereby designated as trial counsel in the within matter on behalf of the Plaintiff, RWC Landscape Services Management Inc. d/b/a Outside Unlimited Landscape Contractors.

**CERTIFICATION PURSUANT TO RULE 4:5-1**

I certify that the subject matter of this suit is the subject of another action pending in the Hudson County Superior Court, bearing Docket No: HUD L 3924-22 denominated Urgilez v. Target Corporation, et al.

BURKE & POTENZA  
Attorneys for Plaintiff

By: /s/ John Burke  
JOHN BURKE

Dated: July 30, 2024

## Civil Case Information Statement

### Case Details: HUDSON | Civil Part Docket# L-002822-24

**Case Caption:** RWC LANDSCAPE SERVICES MGMT VS  
AMGUARD INSURANCE

**Case Initiation Date:** 07/31/2024

**Attorney Name:** JOHN BURKE

**Firm Name:** BURKE & POTENZA, PA

**Address:** 600 PARSIPPANY RD STE 106

PARSIPPANY NJ 07054

**Phone:** 9735158600

**Name of Party:** PLAINTIFF : RWC Landscape Services  
Mgmt

**Name of Defendant's Primary Insurance Company**  
(if known): None

**Case Type:** OTHER INSURANCE CLAIM (INCLUDING  
DECLARATORY JUDGMENT ACTIONS)

**Document Type:** Complaint with Jury Demand

**Jury Demand:** YES - 6 JURORS

**Is this a professional malpractice case?** NO

**Related cases pending:** YES

**If yes, list docket numbers:** Docket No: HUD L 3924-22

**Do you anticipate adding any parties (arising out of same  
transaction or occurrence)?** NO

**Does this case involve claims related to COVID-19?** NO

**Are sexual abuse claims alleged by: RWC Landscape Services  
Mgmt?** NO

### THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

**Do parties have a current, past, or recurrent relationship?** NO

**If yes, is that relationship:**

**Does the statute governing this case provide for payment of fees by the losing party?** NO

**Use this space to alert the court to any special case characteristics that may warrant individual  
management or accelerated disposition:**

**Do you or your client need any disability accommodations?** NO

**If yes, please identify the requested accommodation:**

**Will an interpreter be needed?** NO

**If yes, for what language:**

**Please check off each applicable category:** Putative Class Action? NO Title 59? NO Consumer Fraud? NO  
Medical Debt Claim? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule* 1:38-7(b)

07/31/2024  
Dated

/s/ JOHN BURKE  
Signed



CASE JACKET

User:ALAN RUSSO

Docket Number: HUD L 002822 - 24

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Create Summary Report

Case Caption: Rwc Landscape Servic Es Mgmt Vs Amguard Insuranc

Court: Civil Part

Case Type: Other Insurance Claim (Including Declaratory Judgment Actions)

Case Track: 1

# of Discovery Days: 150

Original Discovery End Date:

Original Arbitration Date:

Original Trial Date:

Disposition Date:

Venue: Hudson

Case Status: Active

Judge: Jane L Weiner

Age of Case: 00 YR 00 MO

Current Discovery End Date:

Current Arbitration Date:

Current Trial Date:

Case Disposition: Open

Case Initiation Date: 07/31/2024

Jury Demand: 6 Jurors

Team: 1

Consolidated Case: N

# of DED Extensions: 0

# of Arb Adjournments: 0

# of Trial Date Adjournments: 0

Statewide Lien:

Plaintiffs (1)





Defendants (2)

ACMS Documents (1)

Fees (1)

Rwc Landscape Services Mgmt (Party No. 1)

Case Actions

Filed Date	Filings	Docket Text	Transaction ID	Entry Date
07/31/2024	 	Complaint with Jury Demand for HUD-L-002822-24 submitted by BURKE, JOHN , BURKE & POTENZA, PA on behalf of RWC LANDSCAPE SERVICES MGMT against AMGUARD INSURANCE COMPANY	LCV20241899256	07/31/2024
08/01/2024	 	TRACK ASSIGNMENT Notice submitted by Case Management	LCV20241907625	08/01/2024

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